

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Saint Paul District  
FILE NUMBER: MVP-2007-1037-WAB  
PROJECT MANAGER: William Baer

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: 1/31/07  
At the project site? Y ☐ N ☒ Date:

### **PROJECT LOCATION INFORMATION:**

State: MN

County: Itasca

Center coordinates of site by latitude & longitude: 47.5864836881/-93.6756660158

Approximate size of site/property (including uplands) in acres: 10

Name of waterway or watershed: Big Fork. MN.

Type of Aquatic Resource:	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands				6.0					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?		x			

1 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

(1) The ~10 acre site is located near the community of Marcell and the project involves dredging bog material (vegetation, peat) from an enclosed basin to create open water for campground recreation. Areas surrounding the site are relatively undisturbed by urban or industrial development. The wetland is approximately 85 meters (275 feet) from Ranier Lake, which has been moderately developed with private seasonal recreational dwellings. Ranier Lake is a jurisdictional water.

(2-3) A review of available information, including USGS topographic maps, NWI maps, USDA soil survey information, MN Public Waters Inventory map, aerial photos, information provided on behalf of the applicant, and information obtained from discussion with the local wetland official indicates the wetland is isolated and does not have an apparent identifiable surface water connection to jurisdictional waters. The wetland is located entirely within Itasca County, Minnesota. Furthermore, there is no indication the wetland is navigable-in-fact or supports interstate commerce.

(4) There are no jurisdictional waters of the U.S. occurring onsite.